

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:10CR056-P-S

CLIFTON GALES, ET AL.,

DEFENDANT.

ORDER

This matter comes before the court upon Defendant Romanda Matthews's May 3, 2011 motion to compel production of exculpatory evidence [199]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

In its January 31, 2011 Order the court required the Government to provide Defendant Matthews with all available exculpatory evidence within 30 days of that Order. Though approximately a week after that Order's deadline, on April 7, 2011 the Government provided Defendant Matthews with a CD recording of an oral interview with William Lewis. Defendant Matthews has not demonstrated that the Government has violated the court's Order or the applicable standards under *Brady*.

A prosecutor is only required to produce what he knows or should know is exculpatory evidence. He is not required to actively search for exculpatory evidence. The requests made of the Government by Defendant Matthews in the instant motion are overly broad.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant Romanda Matthews's May 3, 2011 motion to compel production of exculpatory evidence [199] is **DENIED**; the court reminds the Government of its continuing duty to produce exculpatory evidence under *Brady*.

SO ORDERED this the 10th day of May, A.D., 2011.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE